

Dear Senate Legal and Constitutional Affairs Committee,

This is my submission to your inquiry into marriage equality.

My partner and I have been in a same-sex relationship for six years. For nearly two years the state of South Australia has recognised our relationship as de facto.

The creation of a family unit as a stable base is important to us. We jointly own our home, have shared bank accounts, own a business together and our relationship is accepted and recognised by our extended family. We have made a commitment to create a life together, and hope to one day have children.

Although our relationship is recognised as de facto under South Australian law, my partner and I our wanted our relationship recognised by marriage. Unfortunately, same-sex marriage is not permitted under Australian law.

On the 6<sup>th</sup> August 2008, my partner and I were married in Alberta, Canada. Our marriage is legally recognised in a number of countries, but not our own.

To me, marriage has a both a social and legal function. Both of these functions are important, and both played a part in deciding to get married in Canada.

Firstly, my partner and I wanted our relationship recognised in the eyes of the law. Although we have rights through de facto recognition, this is not the same as marriage. As de facto recognition is state-based, the requirements for recognition changes as you travel through different jurisdictions. This means that our relationship may not be recognised when we travel, if we decide to move interstate, or if we need medical treatment that is not offered in our home state. In addition, it is difficult to prove our de facto relationship. If our relationship status were ever in dispute we would be required to engage in court action to prove that we are a de facto couple. In comparison, married couples are able to produce their marriage certificate to immediately prove their relationship. This option is denied to us under Australian law.

Social recognition was equally important to us in our decision to get married. Marriage is a right of passage, and affects the way in which couples are treated by friends, family, work colleagues, government agencies and service providers. Marriage is seen as a symbol of stability, a commitment to each other, and full acceptance into adult society. As we attended wedding after wedding of our heterosexual peers, sharing in their joy and excitement, we realised that we too wanted this social recognition of our relationship. This recognition was not only important to us, but also to our friends and family who wanted to celebrate with us. My mother, sister, brother in law and cousin all made the journey to Canada to witness our wedding, which was a considerable financial expense. In addition both of my partners parents, her

aunt, cousin and uncle made the long journey to be with us at our wedding. Prior to leaving for Australia we had an engagement party that was attended by approximately 150 relatives and friends, some of whom had travelled from interstate and overseas to celebrate with us.

Although we could have had a commitment ceremony in Australia, we did not feel that this would be understood by our family and friends. It is seen as something 'less than' marriage, and does not provide legal or social recognition. Because we wanted full legal and social recognition, we needed to get married in Canada.

In the eyes of our family and friends, we are married. Unfortunately the Australian Government does not recognise our marriage.

Recently, a heterosexual work colleague was married in Canada. The Australian Government recognises his marriage.

We took the same vows, under the same law, and signed the same marriage contracts, but my marriage isn't recognised. This is blatant discrimination on the grounds of sexuality and gender, and I am exposed to it on a daily basis.

In particular, we are discriminated against as we are unable to access divorce. Although we are hopeful that this is not an area of law we ever need to use, this option is denied to us. Because our marriage is not recognised under Australian law, we are unable to have an Australian divorce. We cannot access Canadian divorce law, as there is a minimum residential requirement. This leaves us in a legal limbo, as although our marriage is not currently recognised in Australia, it is recognised in other countries. If we want to travel or move to those countries there may be severe and detrimental implications. Divorce is now widely accepted in Australian society, and is considered a right that all should be entitled to. It would be extremely unjust to deny a victim of domestic violence and abuse a divorce from their abuser, however this discrimination is possible, as valid international same-sex marriages are not recognised under Australian law.

I urge you to amend the *Marriage Act 1961* to remove all discrimination against same-sex couples. Full equality will only be reached by allowing same-sex couples to get married in Australia, and providing recognition to same-sex marriages entered into in other countries.

I fully support the changes proposed in the Marriage Equality Amendment Bill 2009 and urge you to support its adoption into Australian law.

Civil unions, de facto recognition and relationship registers for same-sex couples do not enable full equality for same-sex attracted people. Australian values of a fair go, mateship and fairness require removal of all discrimination

against same-sex attracted people.

I fully endorse the submission made by Australian Marriage Equality in favour of the Marriage Equality Amendment Bill 2009.

I also fully endorse the submission made by Amnesty International Australia in favour of the Marriage Equality Amendment Bill 2009.

Yours Sincerely,

Georgia Heath